

**16 September 2022**

Attn: Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bay 12803  
Tauranga Mail Centre  
Tauranga 3143  
*Submission made via email: [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz)*

**KĀINGA ORA – HOMES AND COMMUNITIES SUBMISSION ON A  
NOTIFIED PROPOSAL FOR THE WESTERN BAY OF PLENTY DISTRICT  
COUNCIL PLAN CHANGE 92 UNDER CLAUSE 6 OF SCHEDULE 1 OF  
THE RESOURCE MANAGEMENT ACT 1991**

**This is a submission on Plan Change 92 (“PC92”) from Western Bay of Plenty District Council (“the Council” or “WBOPDC”) on the Western Bay of Plenty District Plan (“the Plan” or “WBOPDP”):**

**The specific provisions of the proposal that this submission relates to:**

PC92 in its entirety.

**This document and its attachments outlines the relief sought from Kāinga Ora – Homes and Communities to PC92.**

**The Kāinga Ora – Homes and Communities submission is:**

1. Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) is a Crown Entity and is required to give effect to Government policies. Kāinga Ora has a statutory objective that requires it to contribute to sustainable, inclusive, and thriving communities that:
  - a) Provide people with good quality, affordable housing choices that meet diverse needs; and

- b) Support good access to jobs, amenities and services; and
  - c) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
2. Because of these statutory objectives, Kāinga Ora has interests beyond its role as a public housing provider. This includes a role as a landowner and developer of residential housing and as an enabler of quality urban developments through increasing the availability of build-ready land across the Bay of Plenty.
3. Kāinga Ora therefore has an interest in PC92 and how it:
- i. Gives effect to the National Policy Statement on Urban Development (“**NPS-UD**”) and The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**the Housing Supply Act**”);
  - ii. Minimises barriers that constrain the ability to deliver housing development across public housing, affordable housing, affordable rental and market housing; and
  - iii. Provides for the provision of services and infrastructure and how this may impact on the existing and planned communities, including Kāinga Ora housing developments.
4. **The Kāinga Ora submission seeks amendments and relief to PC92 in the following:**
- i. **Plan Structure** – Kāinga Ora seeks amendments to the structure, alignment and integration of PC92 with the WBOPDP in particular to address:
    - a. Structural issues / concerns with PC92 which lead to a continuing inconsistency of the WBOPDP framework with the National Planning Standards;
    - b. The existence of two medium density residential zones (“**MDRZ**”);
    - c. The incorrect application of the issues, objectives and policies of the existing Section 14 Residential provisions of the WBOPDP to the newly proposed Section 14A provisions of PC92 in which Kāinga Ora considers to be inappropriate and not suitable for the proposed new zones; and

- d. Use of the non-complying and discretionary activity status for non-compliance with the structure plan, which should be amended to be a restricted discretionary activity with targeted matters for discretion (relating to specific outcomes sought by the structure plan).
- ii. **National Consistency** – Kāinga Ora seeks amendments to PC92 to be consistent with the National Planning Standards (particularly the Definitions Section) and seeks terms that have two different definitions to be amended or removed.
- iii. **Development Capacity** – Kāinga Ora seeks clarification in respect to provisions which appear to enable or unlock the development of Ōmokoroa Stage 3 and how this impacts on realising the development capacity of the area.
- iv. **High Density Residential Zone (“HDRZ”)** – Kāinga Ora seeks for ‘high density residential’ zoning for Te Puke and the Ōmokoroa Stage 3C area, as outlined in this submission and Appendices. Kāinga Ora seeks a new ‘High Density Residential’ zone chapter is inserted into WBOPDP, as set out in Appendix 2.
- v. **Rule Framework** – Kāinga Ora seeks amendments to objectives, policies and rules in PC92 for improved clarity, effectiveness and focus on the specific resource management issue / effect to be addressed.
- vi. **Natural Hazard Overlays** – Kāinga Ora seeks the location of proposed mapping of natural hazard overlays located within the District Plan which should be held outside the WBOPDP as a ‘non District Plan overlay.’ Provisions should be amended to reflect this relief sought.
- vii. **Liquefaction** – Kāinga Ora seeks for the deletion of the proposed liquefaction framework and that the susceptibility mapping and risk assessment for liquefaction across the whole of the district is finalised and made available publicly for landowners. Move the liquefaction overlay from within the WBOPDP to a “non-District Plan overlay,” in line with other natural hazard overlays The proposed approach to liquefaction, as notified, places the onus of identifying areas subject to liquefaction risk onto the applicants.

5. It is unclear to Kāinga Ora to whether WBOPDC have reassessed the housing capacity (previously undertaken in 2021)<sup>1</sup> as part of PC92. Kāinga Ora considers a reassessment should happen. The purpose of such a reassessment would be to consider the impact that the proposed qualifying matters and extent of MDRZ zoning identified by the Council has on housing capacity and whether the proposing rezoning as sought and notified by the Council still achieves the required short, medium and long term capacity in accordance with provision 3.2 of the NPS-UD. To that end, **Kāinga Ora seek clarity from WBOPDC on this matter and if any reassessment has not happened, then Kāinga Ora seeks that this housing capacity assessment is undertaken with the proposed or preferred set of provisions the Council seeks to implement in the Western Bay of Plenty District.**
6. The changes sought by Kāinga Ora are made to:
- i. Ensure that Kāinga Ora can carry out its statutory obligations;
  - ii. Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991, relevant national direction and regional alignment;
  - iii. Ensure that a robust s32 analysis is carried out to justify the proposed plan provisions as the justification for a number of provisions is currently unclear;
  - iv. Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;
  - v. Provide clarity for all plan users; and
  - vi. Allow Kāinga Ora to fulfil its urban development functions as required under the Kāinga Ora–Homes and Communities Act 2019.
7. The Kāinga Ora submission points and changes sought can be found within Table 1 of **Appendix 1.**

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<sup>1</sup> Refer to <https://www.smartgrowthbop.org.nz/media/2353/smartgrowth-hba-housing-assessment-20212.pdf>

8. **Appendix 2** contains a recommended set of provisions for a High Density Residential Zone chapter that Kāinga Ora seeks is incorporated into the WBOPDP to align with the relief sought for the introduction and application of a new High Density Residential Zone in Western Bay of Plenty District (as identified in **Appendix 3**).
9. **Appendix 3** contains planning maps with the proposed high density zone sought from Kāinga Ora in Te Puke and in Ōmokoroa Stage 3C.

**Kāinga Ora seeks the following decision from WBOPDC:**

That the specific amendments, additions or retentions which are sought as specifically outlined in this **submission document and Appendix 1-3**, are accepted and adopted into Plan Change 92 of the Western Bay of Plenty District Plan, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

**Kāinga Ora wishes to be heard in support of their submission.**

Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on PC92 to address the matters raised in its submission.

If others make a similar submission, Kāinga Ora are happy to consider presenting a joint case at a hearing.



**Brendon Liggett**  
**Manager – Development Planning**  
**Kāinga Ora – Homes and Communities**

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## Appendix 1: Decisions sought for Plan Change 92

The following table sets out the amendments sought to Plan Change 92 and also identifies those provisions that Kāinga Ora supports.

*Proposed changes by Kāinga Ora are shown as ~~strikethrough~~ for deletion and underlined for proposed additional text.*

Table 1

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
<b>Overall PC92</b>					
1.	PC92 as a whole	Plan Structure	Support in part	<p>Kāinga Ora seeks amendments to the structure, alignment and integration of PC92 with the WBOPDP in particular to address:</p> <ul style="list-style-type: none"> <li>a. Structural issues / concerns with PC92 which lead to a continuing inconsistency of the WBOPDP framework with the National Planning Standards;</li> <li>b. The existence of two medium density residential zones (“MDRZ”);</li> <li>c. The incorrect application of the issues, objectives and policies of the existing Section 14 Residential provisions of the WBOPDP to the newly proposed Section 14A provisions of PC92 in which Kāinga Ora considers to be inappropriate and not suitable for the proposed new zones; and</li> <li>d. Use of the non-complying and discretionary activity status for non-compliance with the structure plan, which should be amended to be a restricted discretionary activity with targeted matters for discretion (relating to specific outcomes sought by the structure plan).</li> </ul>	<p>Seek amendments to the structure, alignment and integration of PC92 with the WBOPDP that will address the concerns and issues raised in the [reasons for submission] column.</p>
2.	PC92 as a whole	S32 evaluation	Oppose	<p>It is unclear to Kāinga Ora to whether WBOPDC have reassessed the housing capacity (previously undertaken in 2021)<sup>2</sup> as part of PC92. Kāinga Ora considers a reassessment should happen.</p> <p>The purpose of such a reassessment would be to consider the impact that the proposed qualifying matters and extent of MDRZ zoning identified by the Council has on housing capacity and whether the proposing rezoning as sought and notified by the Council still achieves the required short, medium and long term capacity in accordance with provision 3.2 of the NPS-UD.</p> <p>To that end, Kāinga Ora seek clarity from WBOPDC on this matter and if any reassessment has not happened, then Kāinga Ora seeks that this housing capacity assessment is undertaken with the proposed or preferred set of provisions the Council seeks to implement in the Western Bay of Plenty District.</p>	<p>Seek clarity from WBOPDC on this matter and if any reassessment has not happened, then Kāinga Ora seeks that this housing capacity assessment is undertaken with the proposed or preferred set of provisions the Council seeks to implement in the Western Bay of Plenty District.</p>

<sup>2</sup> Refer to <https://www.smartgrowthbop.org.nz/media/2353/smartgrowth-hba-housing-assessment-20212.pdf>

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
3.	District Plan Maps	New natural hazard overlays in PC92	Oppose	<p>Kāinga Ora oppose the inclusion of new natural hazard overlays within the WBOPDP. Such overlays are often subject to change once additional investigations and new information come to light. Having the overlays located outside the WBOPDP enables greater flexibility to update and amend the overlays when new information arises without needing a formal 'Schedule 1' Plan change process to occur.</p> <p>Kāinga Ora also notes that there are existing natural hazards that are mapped as part of a series of 'non District Plan' overlays and therefore the relief sought is consistent with the existing approach.</p>	<ol style="list-style-type: none"> <li>1. Amend and shift the new District Plan natural hazards layers out of the District Plan so that they sit within the 'non District Plan layer', made available publicly on a GIS viewer.</li> <li>2. Provisions in PC92 should be amended to reflect this relief sought.</li> </ol>
4.	Section 14 and Section 14A	MDRZ and OTP MDRZ Zones	Oppose	<p>Kāinga Ora opposes the duplication of zone names with respect to MDRZ zones. There is the (existing) MDRZ (i.e., applying to areas of Waihi Beach, Katikati and Ōmokoroa) in Section 14 and now a new Ōmokoroa Te Puke Medium Density Residential Zone ("OTP MDR") in proposed Section 14A. This duplication is unnecessary, confusing and not aligned with National Planning Standards (regarding naming of zones). Kāinga Ora seeks that WBOPDC addresses this duplication.</p>	<p>Kāinga Ora opposes the duplication of zone names with respect to MDRZ zones and seeks amendments as outlined in reasons for submission.</p>
5.	PC92 as a whole	Extent of MDRZ in Ōmokoroa and High Density Residential Zone	Support in part	<p>Kāinga Ora generally supports the areas identified for rezoning in Ōmokoroa including additional intensification provisions for Ōmokoroa Stage 3.</p> <p>Kāinga Ora seeks to rezone the Ōmokoroa Stage 3C area to a new 'High Density Residential Zone' (HDRZ) instead of forming part of Section 14A. The rules of Section 14A relate to the provision of medium density residential living. However, Kāinga Ora notes the provision for high density residential is already acknowledged and provided for in Section 14A such as within the explanatory statement, proposed objective 14A.2.1.5, the increased height provisions in PC92 for Stage 3C (up to 20m as per proposed rule 14A.4.1.b.ii.a) and higher minimum yield rules (as per proposed rule 14A.4.2.a). Accordingly, Kāinga Ora seek a separate section (i.e., 14B) of the WBOPDP with specific set of provisions specifically for high density residential development.</p> <p>Proposed HDRZ provisions have been included in this submission in Appendix 2. Kāinga Ora seeks to apply these to both Te Puke (see submission point 2) and Ōmokoroa Stage 3C for consistency in applying HDRZ rules throughout the District.</p>	<ol style="list-style-type: none"> <li>1. Accept and include a new High Density Residential Zone in the WBOPDP.</li> <li>2. Adopt the proposed provisions of the new High Density Residential Zone into the WBOPDP and PC92 as set out in Appendix 2 of this submission.</li> <li>3. Rename Ōmokoroa Stage 3C area to a new 'High Density Residential Zone' (HDRZ) instead of forming part of Section 14A and retain spatial extent.</li> <li>4. Consequential amendments will be required to the rest of the WBOPDP in response to this submission point.</li> </ol>

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
6.	PC92 as a whole	Extent of MDRS in Te Puke and High Density Residential Zone	Support in part	<p>Kāinga Ora generally supports the extent of MDRZ in Te Puke given that WBOPDC intends to undertake a wider Te Puke District Plan review through a subsequent plan change / District Plan review.</p> <p>However, Kāinga Ora is concerned around the potential reduction in capacity as a result of the proposed natural hazard overlays (discussed elsewhere in this submission). Kāinga Ora is also aware of supporting a compact urban form model which supports higher density walkable catchments and reduces the need to encroach on the surrounding productive land to enable urban development.</p> <p>With the above in mind, Kāinga Ora seeks that appropriate parts of Te Puke be zoned 'high density residential.' The proposed area is included in Appendix 3 and is based on a 400m walkable catchment around the town centre. Proposed HDR Zone provisions have been included in this submission in Appendix 2. Locating higher density residential in proximity to town centres is a consistent approach sought by Kāinga Ora in both Western Bay and Tauranga City and is consistent with the NPS-UD.</p>	<ol style="list-style-type: none"> <li>1. Rezone parts of Te Puke 'high density residential' typically within a 400m walking catchment of the town centre as per the proposed area set out in Appendix 3 of this submission.</li> <li>2. Accept and include a new High Density Residential Zone in the WBOPDP for Te Puku.</li> <li>3. Consequential amendments will be required to the rest of the WBOPDP in response to this submission point.</li> </ol>
<b>Section 3 – Definitions</b>					
7.	3 - Definitions	Specific definitions	Oppose	<p>Kāinga Ora notes that there are definitions specific to Ōmokoroa Te Puke Medium Density Residential ("OTP MDRZ") introduced which results in the use of different definitions that are used to describe the same 'term.' This is confusing for users and inconsistent with the National Planning Standards (where such a definition is included in the Standards). Definitions within Section 3 specific to the OTP MDRZ are:</p> <ul style="list-style-type: none"> <li>• Building, Building Coverage, Building Footprint, Construction, Developable Area, Dwelling, Front Boundary, Ground Level, Height, Height in Relation to Boundary, Impervious Surfaces, Minor Dwelling, Net Site Area, Outdoor Living Space, Residential Activity, Residential Unit, Showhome, Site, (Front) Yard.</li> </ul> <p>For example, 'Residential Unit' is introduced in PC92 but only in the context of the OTP MDRZ. For other parts of the district, 'Dwelling' continues to be used. 'Residential Unit' is defined in the National Planning Standards: Definitions Sections to replace dwelling. Other examples of two different definitions for the same term are</p>	<ol style="list-style-type: none"> <li>1. Delete repetitive definitions (refer to 'reasons for submission' for the list); or</li> <li>2. Move all definitions specific to the OTP MDRZ to Section 14A until WBOPDC gives effect to the National Planning Standards in the WBOPDP (refer to 'reasons for submission' for the list).</li> </ol>

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				<p>'Building,' 'Building Coverage,' 'Construction,' 'Ground Level', 'Height', 'Front Yard' and 'Net Lot Area'/'Net Site Area'.</p> <p>Kāinga Ora considers there should be one definition used for each term throughout the WBOPDP for clarity and consistency.</p> <p>Amendments sought.</p>	
<b>Section 8 – Natural Hazards</b>					
8.	8, 8.1.1-2, 8.3.1.e, 8.3.3.e, 8.5.1.5.a-j, 8.6.2	Liquefaction	Oppose in part	<p>Kāinga Ora opposes, in part, Council's approach to liquefaction and seeks the provisions be deleted in full. While Kāinga Ora supports a framework to manage the risks of liquefaction on people's safety, well-being and property, the proposed approach, as drafted, places the onus of identifying areas subject to liquefaction risk onto the applicants – increasing both the costs and time for residential development within both Te Puke and Ōmokoroa urban limits.</p> <p>Kāinga Ora understands that PC92 incorporates the liquefaction investigations prepared by Tonkin + Taylor (T+T) into Section 8 – Natural Hazards rule framework and District Plan Maps. The T+T investigations adopted are as follows:</p> <ul style="list-style-type: none"> <li>• The Ōmokoroa Stage 3 Structure Plan Area (as part of the natural hazards risk assessment accompanying the structure plan) [Level B liquefaction assessment]</li> <li>• the remainder of Ōmokoroa (undertaken as part of a region-wide study) [Level A liquefaction assessment]; and</li> <li>• Te Puke (undertaken as part of a region-wide study) [Level A liquefaction assessment]</li> </ul> <p>The amendments to the District Plan Maps include:</p> <ul style="list-style-type: none"> <li>• a 'Liquefaction Damage is Possible' overlay</li> <li>• a 'Liquefaction Damage is Unlikely' overlay; and</li> <li>• a 'Liquefaction Category is Undetermined' overlay.</li> </ul> <p>The subsequent amendments to Section 8 – Natural Hazards to introduce a framework to manages the risks of liquefaction include:</p> <ul style="list-style-type: none"> <li>• a Permitted Activity rule (8.3.1.e) for buildings / structures within the 'Liquefaction Damage is Unlikely' – Ōmokoroa (applies only to Ōmokoroa)</li> </ul>	<ol style="list-style-type: none"> <li>1. Delete the proposed liquefaction framework and finalise the susceptibility mapping and risk assessment for liquefaction across the whole of the district – as with the other natural hazards - and provide a framework to appropriately manage the risk to people's safety, well-being, and property. Such a process should be undertaken as part of a separate plan change process that would seek additional amendments to existing frameworks across the District Plan in response to the results of the mapping and assessments of all relevant natural hazards (noting the scope of this plan change is for residential areas only).</li> <li>2. Should Council wish to retain a liquefaction framework for residential areas as part of PC92, prioritise a <b>Level B</b> liquefaction assessment for both Te Puke urban limit and the balance of Ōmokoroa (that is, the same level of assessment undertaken for the Structure Plan Area) to remove the proposed '<i>Liquefaction Category is Undetermined</i>' overlay.</li> <li>3. Remove the liquefaction overlay from within the WBOPDP into a "non-District Plan overlay," in line with other natural hazard overlays, that is available publicly on a GIS viewer.</li> </ol>

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
				<ul style="list-style-type: none"> <li>• a Restricted Discretionary Activity rule (8.3.3.e) for buildings, subdivision and infrastructure within both the ‘Liquefaction Damage is Possible’ and ‘Liquefaction Category is Undetermined’ (applies to both Ōmokoroa and Te Puke)</li> <li>• Matters of Discretion (8.5.1.5.a-j) relating to rule 8.3.1.e</li> <li>• Information Requirements (8.6) relating to liquefaction in both Ōmokoroa and Te Puke.</li> </ul> <p>Under the proposed PC92 rule framework, any building, subdivision and / or infrastructure (any) within either the ‘Liquefaction Damage is Possible’ or ‘Liquefaction Category is Undetermined’ overlay triggers a RDA consent requirement. The RDA trigger requires the landowner/s to provide a liquefaction assessment prepared by a Category 1 Geo-professional (or Category 2 if endorsed by a Category 1) as part of the application. Given the spatial extent of the ‘Possible’ and ‘Undetermined’ liquefaction overlays, the resulting scenario is any building, subdivision and / or infrastructure within the entire urban limit or Te Puke or the balance of the existing Ōmokoroa urban limit not within the Structure Plan area requires resource consent (and, therefore, an accompanying liquefaction assessment) - placing the onus (including the associated costs) of determining the ‘undetermined’ liquefaction overlays on the landowner/s.</p> <p>Parallel to PC92, Kāinga Ora notes that Council is in the process of completing the susceptibility mapping and risk assessment for all natural hazards across the whole of the district to meet Council’s obligations pursuant to the Regional Policy Statement. It is considered that these assessments would clarify the ‘undetermined’ overlay for both Te Puke and the balance of Ōmokoroa urban area outside the Structure Plan area. Therefore, Kāinga Ora considers that the proposed liquefaction framework, as drafted, acts as a “stop gap” until such a time these assessments are completed by Council – with landowners bearing the costs in the interim.</p> <p>In addition, Kāinga Ora questions whether the proposed approach to liquefaction in PC92 is consistent with the existing policy framework of the District Plan – insofar as not enabling development in existing urban areas where those areas are not known to be at risk (noting the “undetermined” category rating for liquefaction in both Te Puke and Ōmokoroa . Specifically, whether</p>	

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				<p>the proposed liquefaction framework is consistent with Policy 8.2.2.3:</p> <p>“Enable the development or redevelopment of land already subdivided or otherwise developed for urban purposes in areas now known to be at risk from natural hazards only where any likely adverse effects can be avoided or appropriately mitigated”</p> <p>Finally, Kāinga Ora considers such an overlay should be located as a “non-district plan overlay” consistent with other natural hazard overlays (noted on WBOPDC’s GIS maps).</p>	
<b>Section 11 – Financial Contributions</b>					
9.	11.5.3	One or two additional residential units on a site in the Ōmokoroa and Te Puke Medium Density Residential Zones	Support in part	<p>Kāinga Ora consider that the way in which financial contributions are to be calculated are overly complicated and require amendments for simplification and clarity.</p> <p>Kāinga Ora also seeks consequential amendments to incorporate reference to the High Density Residential Zones.</p> <p>Amendments sought.</p>	<p>1. Amend Rule 11.5.3 as follows:</p> <p><del>One or two additional</del> <b>All additional residential units or lots on a site in the Ōmokoroa and Te Puke Medium and High Density Residential Zones</b></p> <p>a. For clarity, these rules do not apply to:</p> <p>i. <del>The first residential unit on a site (these shall be exempt from financial contributions);</del></p> <p>ii. <del>One or two</del> additional residential units on a site where a subdivision consent has been granted subject to a condition of consent imposing financial contributions for that site under Rule 11.5.5 (except for any balance lots under 11.5.5 (e)).</p> <p>b. The following rules shall apply where an application for building consent is lodged for <del>one or two</del> additional residential units on a site:</p> <p>i. Each additional residential unit shall be charged a financial contribution for ecological protection, recreation and leisure, transportation, water supply and wastewater based on the gross floor area of each residential unit (excluding garage);</p> <p>ii. Each additional unit shall be charged a financial contribution for stormwater based on the building footprint of each residential unit (including garage);</p> <p>iii. For this rule, building footprint means the total area of the buildings (residential unit and garage) at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of those buildings and overhangs the ground.</p> <p>iv. One household equivalent for a residential unit is equal to a gross floor area of 150m<sup>2</sup> (excluding any garage) or building footprint of 150m<sup>2</sup> (including any garage) in the case of stormwater;</p>

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					<ul style="list-style-type: none"> <li>v. An additional residential unit with a gross floor area or building footprint exceeding 150m shall not pay more than one household equivalent;</li> <li>vi. Each additional residential unit with a gross floor area or building footprint less than 150m<sup>2</sup> shall pay a reduced financial contribution that is proportional to 150m<sup>2</sup>;</li> <li>vii. The minimum contribution to be paid for an additional residential unit shall be 0.5 of a household equivalent;</li> <li><del>viii. Financial contributions shall be assessed and imposed through the building consent application process;</del></li> <li><del>ix. The financial contribution required through the building consent application process is payable immediately prior to the issue of that consent.</del></li> </ul> <p>2. Seeks consequential amendments to incorporate reference to the High Density Residential Zones.</p>
10.	11.5.4	One or two additional residential units on a site in the Ōmokoroa and Te Puke Medium Density Residential Zones	Support in part	<p>Kāinga Ora consider that the way in which financial contributions have been calculated are overly complicated and require amendments for clarity. Kāinga Ora also seeks consequential amendments to incorporate reference to the High Density Residential Zones.</p> <p>Amendments sought.</p>	<p>Amend Rule 11.5.4 as follows:</p> <p><b>One or two additional lots <u>for non-residential activities not for the purpose of the construction and use of residential units</u> from sites of less than 1,400m in the Ōmokoroa and Te Puke Medium <u>and High</u> Density Residential Zones 2</b></p> <p>a. Each additional lot shall be charged a financial contribution for ecological protection, recreation and leisure, transportation, water supply, wastewater and stormwater equal to one household equivalent.</p>
11.	11.5.5	All other subdivision and four or more residential units on a site in the Ōmokoroa and Te Puke Medium Density Residential Zones	Oppose	<p>Kāinga Ora consider that the way in which financial contributions have been calculated are overly complicated and require amendments for clarity and seek that Rule 11.5.5 is deleted and replaced with Rule 11.5.3 as amended by this submission.</p>	Delete Rule 11.5.5 in its entirety.
<b>Section 12 – Subdivision &amp; Development</b>					
12.	12.4.4.4.c	Access onto Ōmokoroa Road, Prole Road, Athenree Road and Fergus Road.	Oppose	<p>Kāinga Ora notes the rule requiring Prole Road accesses to be closed and relocated means that some sites/developments will be reliant on others to complete the (Structure Plan) road network before their sites can be connected (or otherwise seek a non-complying resource consent). In respect to Ōmokoroa Road, Kāinga</p>	<p>1. Seeks clarification in respect to provisions which appear to enable or unlock the development of Ōmokoroa Stage 3 and how this impacts on realising the development capacity of the area.</p>

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
				<p>Ora notes sub clause i. does not provide for an increase in direct access by dwellings or activities.</p> <p>Kāinga Ora is concerned that this may restrict the ability to unlock development and realise the development capacity resulting in delays to achieving the outcomes of the NPS-UD and the Housing Supply Act. Kāinga Ora seeks clarification from WBOPDC in relation to this matter.</p> <p>It is the view of Kāinga Ora that a subdivision and/or development that proposes access to Prole or Ōmokoroa Road should be assessed as a Restricted Discretionary Activity if no alternative access (as per the Structure Plan) is available. This would enable landowners to unlock the land's development potential without relying on a third party landowner.</p>	<p>2. That a subdivision and/or development that proposes access to Prole or Ōmokoroa Road should be assessed as a Restricted Discretionary Activity if no alternative access (as per the Structure Plan) is available. This would enable landowners to unlock the land's development potential without relying on a third party landowner.</p>
13.	12.4.5.17	Stormwater	Oppose	<p>Kāinga Ora opposes rule 12.4.5.17 specifically because:</p> <ul style="list-style-type: none"> <li>(a) Kāinga Ora is unclear if the rule relates to both development and subdivision as sub clause (a) only refers to 'subdivisions.</li> <li>(b) It is not clear what Stormwater Management Plans are being referred to in sub clause (b) without full references. The additional detail in sub clause (b) is not necessary if the detail is incorporated into the Stormwater Management Plan itself.</li> <li>(c) Sub-clause (c) should be rewritten for improved readability.</li> <li>(d) Kāinga Ora does not support reference to the stormwater discharge consent for Ōmokoroa, noting this is to expire in May 2023 and will therefore be out of date shortly (sub clauses (d)-(e)), with WBOPDC due to lodge a new consent for its replacement. Additionally, it is not necessary to include a rule to comply with a resource consent if one is in place. Kāinga Ora seek that sub clause (d) and (e) be deleted.</li> <li>(e) Kāinga Ora also does not consider it appropriate to include requirements for third party approvals from Bay of Plenty Regional Council (which are also linked to the aforementioned consent) in sub clause (e) as part of a District Plan.</li> <li>(f) Sub clause (f) is not a rule and Kāinga Ora seek that it be deleted or changed to an advice note.</li> </ul> <p>Amendments sought.</p>	<p>Amend 12.4.5.17 as follows:</p> <p>In Ōmokoroa and Te Puke in the Medium Density Residential, Commercial and Industrial Zones, the following requirements shall be met.</p> <ul style="list-style-type: none"> <li>a. All new subdivisions <b>and development</b> shall be designed for attenuation of the 50% AEP and 1% AEP flood events to pre-development levels except where it can be demonstrated that there will be no increased adverse downstream flooding effects on the receiving environment.</li> <li>b. All works shall be in accordance with the Ōmokoroa Peninsula Stormwater Management Plan (<i>insert full reference</i>) and Te Puke Stormwater Management Plan (<i>insert full reference</i>) <del>and shall incorporate water sensitive urban design practices (such as swales, wetlands and pervious pavement) as far as practicable to maintain and/or enhance pre-development hydrology and quality.</del></li> <li>c. <del>Inert</del> Exterior building materials <del>only</del> shall be <b>inert used</b> (e.g., no unpainted zinc or copper products that would result in soluble metals becoming entrained in stormwater) unless additional treatment is provided to ensure no offsite adverse effects.</li> <li><del>d. The construction plans...</del></li> <li><del>e. An erosion and...</del></li> <li>f. <b>Advice note:</b> The stormwater reserve areas at Ōmokoroa are shown on the Planning Maps and described in more detail in the Ōmokoroa Peninsula Stormwater Management Plan.</li> </ul>

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
14.	12.4.6.3	Wastewater Drainage	Oppose	<p>Kāinga Ora seeks clarification on the intent and outcome sought for rule 12.4.6.3, notably:</p> <ul style="list-style-type: none"> <li>• Whether the ‘completely sealed wastewater system’ needs to be in place before any Stage 3 development can occur;</li> <li>• Whether this rule can be applied ‘per development;’</li> <li>• The impact this rule may have on realising the development capacity available within the Stage 3 Structure Plan Area, if the intent is that development is unable to take place until such time as a ‘completely sealed wastewater system’ has been established for the area.</li> </ul> <p>Kāinga Ora seeks that this rule be deleted in full, and the intent be reviewed to clarify the above matters.</p>	Delete in full and review intent of this rule.
15.	12.4.11.2	Streetscape	Oppose	<p>Kāinga Ora seeks amendment to the rule to:</p> <ul style="list-style-type: none"> <li>• Clarify that sub-clause (a) relates to new residential roadways only;</li> <li>• Delete sub clause (c) as it is not clear how this rule would be enforced and is too onerous in its specificity.</li> </ul>	<p>Amend 12.4.11.2 as follows:</p> <p>a. <del>New R</del>residential roadways (local and collector roads)...</p> <p><del>... c. Council shall require that Ōmokoroa Road be planted in Maple-Acer palmatum ‘Osakazuki’ with a tree spacing of approximately 40m (centres).</del></p>
16.	12.4.11.5(b)	Compliance with the Ōmokoroa Structure Plan	Oppose	<p>Kāinga Ora notes the intent of the rule (in respect to Prole Road and Ōmokoroa Road) appears to double up with rule 12.4.4.4(c). Amendments sought.</p>	<p>Amend 12.4.11.5(b) as follows:</p> <p><del>...iii. No subdivision or development shall utilise Prole Road for direct vehicular property access.</del></p> <p><del>iv. There shall be no additional access to Ōmokoroa Road except as identified on the Structure Plan.</del></p>
17.	12.4.11.5(c)	Compliance with the Ōmokoroa Structure Plan	Oppose	<p>Kāinga Ora seeks clarification on the use of ‘vicinity’ in the context of the rule (in that non-compliance with the provision for new road access to Ōmokoroa Road in the vicinity of the approved town centre is a discretionary activity.) ‘Vicinity’ is too subjective for use in a rule as it can be interpreted in different ways. Kāinga Ora also oppose use of the non-complying &amp; discretionary activity status for non-compliance with the structure plan and instead consider this should be amended to be a restricted discretionary activity with targeted matters for discretion (relating to specific outcomes sought by the structure plan).</p> <p>Kāinga Ora seeks that this rule be reviewed in full and amended to clarify and respond to the above matters.</p>	<ol style="list-style-type: none"> <li>1. Kāinga Ora seeks that this rule be reviewed in full and amended to clarify and respond to the reasons outlined.</li> <li>2. Kāinga Ora also oppose use of the non-complying &amp; discretionary activity status for non-compliance with the structure plan and instead consider this should be amended to be a restricted discretionary activity with targeted matters for discretion (relating to specific outcomes sought by the structure plan).</li> </ol>

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
18.	12.4.14.2	Streetscape	Oppose	Kāinga Ora seeks the same relief sought as per rule 12.4.11.2(a) to reference that the rule only refers to new residential roadways.  Amendments sought.	Amend 12.4.14.2 as follows:  a. <u>New R</u> residential roadways (local and collector roads)...
19.	12.4.14.3	Compliance with the Te Puke Structure Plan	Oppose	Kāinga Ora seeks clarification of the broad reference to “subdivision, use and development” within this rule. Kāinga Ora do not consider it is appropriate for land use consents relating to ‘activities’ (e.g., for a change of use within a building) or small-scale development to be required to provide “stormwater management reserves and access thereto, roading and road widening, public reserves, walkways/cycleways, green buffer areas, ecological areas and water and sewage areas,” but rather consider that any such requirement should be targeted towards more comprehensive, multi-unit/lot proposals.  Kāinga Ora seeks that this rule be reviewed in full and amended to clarify and respond to the above matters.	<ol style="list-style-type: none"> <li>1. Kāinga Ora seeks that this rule be reviewed in full and amended to clarify and respond to the above matters.</li> <li>2. Kāinga Ora seeks clarification of the broad reference to “subdivision, use and development” within this rule.</li> </ol>
<b>Section 14 – Medium Density Residential</b>					
20.	14.1.6	Significant Issues	Oppose	Section 14A does not have specific “significant issues” but cross references back to those in Section 14. Kāinga Ora opposes the reference to 14.1.6 and 14.1.7 in respect to Section 14A, noting:  In respect to issue 14.1.6 it is not appropriate to reference established amenity values noting the character of the OTP MDRZ areas will change over time (acknowledged in Objective 4 and Policy 6(b)(i) of the NPS-UD).  In respect to issue 14.1.7 the references to Community Plans are considered out of date noting the (more recent) directions of the NPS-UD and the Housing Supply Act and noting the Community Plans have not been reviewed or updated in light of this national direction.	Remove reference to 14.1.6 and 14.1.7 in Chapter 14A as follows:  14A.1 Significant Issues – See the Significant Issues in Section 14.1-Medium Density Residential <u>except that 14.1.6 and 14.1.7 do not apply.</u>
<b>Section 14A – Ōmokoroa and Te Puke Medium Density Residential</b>					
21.	14A	Chapter Wide	Support	Kāinga Ora supports the inclusion of the prescribed Medium Density Residential Standards (MDRS) as required by the Housing Supply Act into the District Plan.	Retain, as notified, where they are consistent with the prescribed MDRS.

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
22.	14A	Explanatory Text	Oppose	Kāinga Ora opposes the explanatory text where it is inconsistent with the relief sought through this submission. In addition, Kāinga Ora opposes the reference to the applicability of the objectives and policies of the Medium Density Residential (Section 14) of the District Plan as the objectives and policy framework of Section 14 will be inconsistent with the outcomes sought through the Section 14A framework.	<ol style="list-style-type: none"> <li>1. Re-write the explanatory text to be consistent with the relief sought in this submission including:</li> <li>2. Deleting reference to the applicability of the objectives and policies of the Medium Density Residential (Section 14) section, as follows:</li> </ol> <p><del>In support of the provisions of this Section, the Medium Density Residential (Section 14) explanatory statement, issues, objectives and policies still remain applicable. In addition, this Section (14A) also contains more specific objectives for Ōmokoroa and Te Puke. Where there are any inconsistencies in objectives and policies, those specific to Ōmokoroa and Te Puke in this Section (14A) take precedence.</del></p>
23.	14A.2.1	Objective 3	Oppose	Kāinga Ora opposes Objective 3 because it is similar to Objective 2. Whilst Kāinga Ora acknowledges that Objective 3 describes in further detail the ‘variety of housing types’ referenced in Objective 2, noting this specificity is repeated in Policy 6, Objective 3 is considered unnecessary.  Amendments sought.	<ol style="list-style-type: none"> <li>1. Delete Objective 3 in full.</li> <li>2. Consequential amendments needed to renumber the remaining objectives.</li> </ol>
24.	14A.2.1	Objective 5	Oppose in part	Kāinga Ora opposes the reference to amenity values within Objective 5. It is not appropriate to reference established amenity values noting the character of the OTP MDRZ areas will change over time (acknowledged in Objective 4 and Policy 6(b)(i) of the NPS-UD). Kāinga Ora also consider that this is an objective which primarily relates to earthworks and associated activities, rather than residential use and development, and should therefore be relocated out of Chapter 14A and into the general ‘district-wide’ earthworks provisions of the District Plan.  Amendments sought.	<p>Amend Objective 5 and shift to ‘district wide’ section of WBOPDP as follows:</p> <p>Minimisation of the adverse effects of earthworks and retaining walls on the existing natural landform and associated cultural <del>and amenity</del>-values as well as on the stability of land and the safety of buildings and structures.</p>
25.	14A.2.1	Objective 8	Support in Part	Kāinga Ora supports in part the inclusion of Objective 8 to describe the intended land use outcomes for the Ōmokoroa Mixed Use Residential Precinct (OMURP). However, the Objective is considered overly descriptive with several unnecessary adjectives and/or verbs. The final part of the sentence appears to describe the purpose of the neighbouring Commercial Zone which is not considered necessary for an objective focused on OMURP.  Amendments sought.	<p>Amend Objective 8 as follows:</p> <p>A well-functioning <del>high-quality</del> residential-led mixed use area within the Ōmokoroa Mixed Use Residential Precinct that <del>actively and positively</del> integrates <del>and engages</del> with the surrounding environment and is complementary to the function, <del>viability</del> and vitality-of the neighbouring Commercial Zone, <del>comprising daytime and night-time activities compatible with residential uses.</del></p>

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
26.	14A.2.2	Policy 6	Support in Part	<p>Kāinga Ora partly supports Policy 6 but seeks to delete or alternatively replace the reference to ‘pocket neighbourhood’ with a more common description. Kāinga Ora notes ‘pocket neighbourhood’ is not defined, is not referenced in the rules of the District Plan and is not included in the WBOPDC’s Residential Design Outcomes.</p> <p>Furthermore, as noted earlier, Kāinga Ora recognises that Policy 6 and Objective 3 overlap in explanation and both are not needed. Objective 2 provides a cascading link to Policy 6.</p> <p>Amendments sought.</p>	<p>Amend Policy 6 as follows:</p> <p>Enable a variety of housing developments such as infill development, comprehensive residential development, retirement villages, <del>and</del> papakāinga <del>and pocket neighbourhoods</del> in a manner which responds to the specific needs of the community which they are designed for.</p>
27.	14A.2.2	Policy 7	Oppose	<p>Kāinga Ora opposes Policy 7 as it is considered unnecessary as a policy and is provided for as an assessment matter (i.e., 14A.7.1) already.</p> <p>Amendments sought.</p>	<ol style="list-style-type: none"> <li>Delete Policy 7 in full.</li> <li>Consequential amendments needed to renumber the remaining policies.</li> </ol>
28.	14A.2.2	Policy 8	Oppose	<p>Kāinga Ora opposes Policy 8 as it is considered unnecessary as a policy and is provided for as a rule (i.e., 14A.4.2.a) and an assessment matter (i.e., 14A.7.1(b) and 14A.7.10).</p> <p>Amendments sought.</p>	<ol style="list-style-type: none"> <li>Delete Policy 8 in full.</li> <li>Consequential amendments needed to renumber the remaining policies.</li> </ol>
29.	14A.2.2	Policy 10	Oppose	<p>Kāinga Ora opposes Policy 10 as it is overly complex, and it is not clear why there is a reference to ‘visual dominance of buildings other than residential units’ when the start of the policy refers to residential development.</p> <p>Amendments sought.</p>	<p>Amend Policy 10 as follows:</p> <p><del>Encourage a positive</del> <del>Ensure that the</del> interface between residential development and public boundaries <del>is positive</del> by <del>avoiding or mitigating the visual dominance of buildings other than residential units</del>, minimising repetition of building form, limiting the heights of solid fences and by providing appropriate landscaping.</p>
30.	14A.2.2	Policy 13	Support in Part	<p>Kāinga Ora partly supports Policy 13 but seeks to replace the word ‘ensure’ which is too definitive for this policy, noting it is not always practicable to limit earthworks and retaining walls to achieve the residential outcomes sought for PC92 and by the Housing Supply Act and NPS-UD. Kāinga Ora also consider that this is a policy which primarily relates to earthworks and associated activities, rather than residential use and development, and should therefore be relocated out of Chapter 14A and into the general ‘district-wide’ earthworks provisions of the District Plan.</p> <p>Amendments sought.</p>	<p>Amend Policy 13 and shift to ‘district wide’ section of WBOPDP as follows:</p> <p><del>Ensure</del> <del>Encourage</del> subdivision and development <del>is to be</del> designed to utilise the existing natural landform <del>where practicable</del> to limit the need for earthworks and retaining walls.</p>

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
31.	14A.2.2	Policy 14	Oppose	Kāinga Ora opposes Policy 14 as it is considered unnecessary as a policy and is provided for as an assessment matter (i.e., 14A.7.13) already.  Amendments sought.	<ol style="list-style-type: none"> <li>Delete Policy 14 in full.</li> <li>Consequential amendments needed to renumber the remaining policies.</li> </ol>
32.	14A.2.2	Policy 15	Oppose	Kāinga Ora opposes Policy 15 as this matter is more appropriately considered in Section 12 with respect to stormwater management.  Amendments sought.	<ol style="list-style-type: none"> <li>Delete Policy 15 in full.</li> <li>Consequential amendments needed to renumber the remaining policies.</li> </ol>
33.	14A.2.2	Policy 16	Oppose	Kāinga Ora opposes Policy 16 with reference to an 'economic impact assessment'. There is no rule that requires the provision of such assessment and depending on the specific proposal has the potential to be overly onerous.  Amendments sought.	Amend Policy 16 as follows:  <del>Enable</del> the permitted gross floor area of non-residential uses within the Ōmokoroa Mixed Use Residential Precinct <del>should not to</del> be exceeded <del>unless where</del> it can be demonstrated <del>through economic impact assessment</del> that the <del>economic</del> viability and associated vitality of use of the neighbouring Commercial Zone would not be significantly affected.
34.	14A.2.2	Policy 17	Support in Part	Kāinga Ora generally supports the intent of Policy 17 however seeks amendments to refine the policy to be more specific to the outcome sought in the precinct.  Amendments sought.	Amend Policy 17 as follows:  Encourage <del>Ensure</del> developments in the Ōmokoroa Mixed Use Residential Precinct <del>are</del> to be designed <del>holistically with respect</del> to integrate with surrounding land uses, public spaces and natural features, <del>buildings and contour changes, positively connect with and contribute to the quality of public spaces and provide</del> <del>developed</del> at a density <del>to of use of land to that deliver the planned character of</del> <del>promote</del> a vibrant, <del>complementary</del> mixed-use destination <del>that complements and supports adjacent to</del> the town centre.
35.	14A.2.2	Policy 18	Oppose	Kāinga Ora opposes Policy 18 because it runs counter to the purpose of the precinct in that it provides for some non-residential uses as a permitted activity. Policy 12 also has a similar intent and therefore Policy 18 is not considered necessary.  Amendments sought.	<ol style="list-style-type: none"> <li>Delete Policy 18 in full.</li> <li>Consequential amendments needed to renumber the remaining policies.</li> </ol>
36.	14A	Use of "structure" in Section 14A	Oppose	Kāinga Ora opposes the use of "structure" within the proposed rule framework. The definition of "structure" in section 3 cross references to the existing "building/structure" definition, albeit a proposed amendment to include a "building" definition specific for section 14A. This creates unnecessary ambiguity for plan users and can have unintended consequences in a rule framework pertaining to the control of "buildings" on a residential site. Note the relief sought by Kāinga Ora to the definitions (section 3) above.  Amendments sought.	Delete reference to "structures" within Chapter 14A and retain reference to "buildings" (noting the relief sought to Section 3 of this submission).

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
37.	14A.3.1.a	Permitted Activities - Up to three residential units on a site.	Support in part	<p>Kāinga Ora supports up to three residential units on a site as a permitted activity. However, Kāinga Ora seeks that the activity standard is amended to provide clarity for how this applies to papakāinga – recognising it is enabled through Policy 14A.2.2.6.</p> <p>Kāinga Ora requests that provision is made for a permitted level of papakāinga development, similar to that of general residential developments, i.e., up to three dwellings permitted. Kāinga Ora considers papakāinga housing to be inherently residential in nature and provisions should be drafted to reflect this. Moreover, the provision of a permissive framework for papakāinga housing is in accordance with policy 1(a)(ii) of the NPS-UD. Inclusion of such activity would support the objectives and policies of Section 14A which seek to enable papakāinga.</p> <p>Furthermore, Kāinga Ora requests that provisions for marae and cultural activities in association with papakāinga housing be provided for as a restricted discretionary activity to reflect the ability for such uses to co-exist with residential activities.</p> <p>To support the provisions requested above, a definition for Papakāinga Development is sought to be included within the definitions of the District Plan.</p> <p>Amendments sought.</p>	<p>Amend standard 14A.3.1.a, as follows:</p> <p>Up to three residential units on a site.</p> <p><u>Note: This standard applies to papakāinga</u></p> <p>Consequential amendment to add new definition for <u>Papakāinga development, as follows:</u></p> <p><u>“Papakāinga development”: A development by tangata whenua established to be occupied by tangata whenua for residential activities and ancillary social, cultural, economic, conservation and/or recreation activities to support the cultural, environmental, and economic wellbeing of tangata whenua.</u></p> <p><u>Include a new rule for marae (in association with papakāinga housing) in the OTP MDRZ as a restricted discretionary activity.</u></p>
38.	14A.3.1.g	Ōmokoroa Mixed Use Residential Precinct - Non-residential land uses permitted if less than 150m <sup>2</sup>	Support in part	<p>Kāinga Ora supports, in part, a maximum threshold for non-residential activities within the Ōmokoroa Mixed Use Residential Precinct to ensure that there is no economic impact to the neighbouring Commercial Zone insofar as affecting its viability and associated vitality. However, it is not abundantly clear whether the ‘less than 150m<sup>2</sup> maximum gross floor area’ applies per development, to the total per precinct, or is the total gross floor area per activity.</p> <p>Amendments sought.</p>	<p>Amend standard 14A.3.1.g to ensure the application of the rule is clear to plan users, as follows:</p> <p>In the Ōmokoroa Mixed Use Residential Precinct only, the following activities where they occupy less than 150m<sup>2</sup> in gross floor area <u>per activity</u>:</p> <ul style="list-style-type: none"> <li>i. Offices</li> <li>ii. Retailing (ground floor only)</li> <li>iii. Restaurants and other eating places and taverns (ground floor only)</li> <li>iv. Commercial services (ground floor only)</li> <li>v. Places of assembly (excluding places of worship, marae, halls, theatres and taverns)</li> <li>vi. Medical or scientific facilities.</li> </ul>

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought								
39.	14A.3.2.a – c 14A.3.4.i	Subdivision rules	Oppose	Kāinga Ora opposes locating subdivision specific standards within the residential standards. In accordance with the National Planning Standards, these subdivision specific standards should be located to the 'district-wide' provisions in Section 12 (subdivision and development) of the WBOPDP.	Move rules into Section 12 of the WBOPDP.								
40.	14A.4.1.d.ii.e	Density Standards – Setbacks	Oppose	Kāinga Ora opposes clause 14A.4.1 d.ii.e as this is a duplication of s87BA of the RMA.	Delete standard 14A.4.1.d.ii.e in its entirety and any references to the standard.								
41.	14A.4.1.e	Density Standards – Building Coverage	Support in part	Kāinga Ora supports, in part, the maximum building coverage threshold of 50% of the net site area as prescribed by the Housing Supply Act. However, it is considered that the image is misleading insofar as it only demonstrates one residential unit per site - whereas the permitted number of residential units per site is three. Therefore, the illustration provided with the standard should be updated to demonstrate three residential units per site with a 50% maximum building coverage.	Delete the illustration provided with standard 14A.4.1.e and replace with an illustration demonstrating three residential units per site with a 50% maximum building coverage.								
42.	14A.4.2.a	Other Standards – Residential unit yield	Oppose	Kāinga Ora opposes the proposed residential unit yield requirements which at their current rate is not conducive to achieving medium or high density residential land use.	Amend standard 14A.4.2.a as follows:  <del>Four or more residential</del> <u>Residential</u> units on a site are subject to the following requirements:  <table border="1"> <thead> <tr> <th>Area</th> <th>Yield Requirements</th> </tr> </thead> <tbody> <tr> <td><del>Ōmokoroa Stage 3A</del></td> <td><del>Minimum yield of 15 residential units per hectare of developable area.</del></td> </tr> <tr> <td>Ōmokoroa <u>Stage 3A</u> Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke Medium Density Residential</td> <td>Minimum yield of <del>20</del> <u>35</u> residential units per hectare of developable area</td> </tr> <tr> <td>Ōmokoroa <u>High Density Residential Stage 3C</u> Ōmokoroa Mixed Use Residential Precinct Te Puke High Density Residential</td> <td>Minimum yield of <del>50</del> <u>30</u> residential units per hectare of developable area</td> </tr> </tbody> </table>	Area	Yield Requirements	<del>Ōmokoroa Stage 3A</del>	<del>Minimum yield of 15 residential units per hectare of developable area.</del>	Ōmokoroa <u>Stage 3A</u> Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke Medium Density Residential	Minimum yield of <del>20</del> <u>35</u> residential units per hectare of developable area	Ōmokoroa <u>High Density Residential Stage 3C</u> Ōmokoroa Mixed Use Residential Precinct Te Puke High Density Residential	Minimum yield of <del>50</del> <u>30</u> residential units per hectare of developable area
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43.	14A.4.2.b	Other Standards – Residential unit typology	Oppose	Kāinga Ora opposes a control on residential unit typology when six or more residential units are located on a site as this is not consistent with Policy 1(a) of the NPS-UD nor Objective 2 and Policy 1 of Section 14A.	Delete standard 14A.4.2.b and any references to it.								

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
44.	14A.4.2.e	Other Standards – Vehicle crossing and access	Oppose	Kāinga Ora opposes the vehicle crossing and access controls, as drafted, as it would not provide for jointly owned access lots and / or two-way traffic for larger developments with one front boundary.	Delete standard 14A.4.2.e, as follows:  <del>Vehicle crossing and access</del>  <del>i. For a site with a front boundary the vehicle crossing shall not exceed 5.4m in width (as measured along the front boundary) or cover more than 40% of the length of the front boundary as shown in the diagram below.</del>
45.	14A.4.2.f	Other Standards – Streetscape	Support in part	Kāinga Ora supports, in part, a control on the percentage of the total width of the building frontage that can be occupied by a garage. However, there is an absence of a specific objective, policy and assessment criteria framework to support the rule – noting there are various references to streetscape landscaping in the Ōmokoroa and Te Puke Structure Plans.	Retain standard 14A.4.2.f only if a suitable policy and associated assessment criteria is inserted into the District Plan.
46.	14A.4.2.g	Other Standards – Earthworks	Oppose	Kāinga Ora opposes locating earthwork specific standards within the residential standards. In accordance with the National Planning Standards, these earthworks specific standards should be located to the ‘district-wide’ provisions in Section 4A.5 (General - Earthworks) of the District Plan.	Delete standard 14A.4.2.g and insert this standard into Section 4A.5 of the District Plan.
47.	14A.4.2.j	Other Standards – Accommodation facilities	Oppose	Kāinga Ora opposes clause iii which states that accommodation facilities must not contain ‘kitchen facilities or otherwise be self-contained’ as a permitted activity standard. It is highly likely that the majority of accommodation facilities would provide a kitchen and bathroom (e.g., hotels, camping grounds and motels) therefore falling within the definition of ‘kitchen facility’ and ‘self-contained.’ As such the standard is not considered appropriate or reasonable to apply.	Delete standard 14A.4.2.j.iii, as follows:  <b>Accommodation Facilities</b>  i. Have maximum occupancy of five persons at any one time (excluding staff); ii. The total area available for exclusive use for the occupiers be no greater than 60m <sup>2</sup> gross floor area; <del>iii. Must not contain a kitchen facility or otherwise be self contained;</del> iv. For Discretionary accommodation facilities, information is to be provided in accordance with 4A.6.2.
48.	14A.4.2.k	Other Standards – Home Enterprises	Oppose	Kāinga Ora opposes standard 14A.4.2.k insofar as its application “per site.” While that is appropriate for one residential unit per site, it is unclear why this would preclude home enterprises from occurring in more than one unit of a multi-units and / or residential apartment.	Delete the note associated with standard 14A.4.2.k to provide for multi-unit and apartments, as follows:  <del>Note: The above activity performance standards shall apply cumulatively to all home enterprises per site.</del>
49.	14A.4.3	Subdivision standards	Oppose	Kāinga Ora opposes locating subdivision specific standards within the residential standards. In accordance with the National Planning Standards, these subdivision specific standards should be located to the ‘district-wide’ provisions in Section 12 (subdivision and development) of the District Plan.	Delete standards relating to subdivision from Section 14A and insert these standards into Section 12 of the District Plan.

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought								
50.	14A.4.3.a	Subdivision standards - Controlled activity	Support in Part	Kāinga Ora seeks the provision of subdivision in accordance with an approved land use consent as a Controlled Activity.	<p>Insert a new Controlled Activity for subdivision in accordance with an approved land use consent, as follows:</p> <p><u>c. Subdivision in accordance with an approved land use consent.</u></p> <p><u>Any subdivision in accordance with an approved land use resource consent must comply with that resource consent. Council's control shall be reserved to any of the following matters:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Subdivision layout;</u></li> <li>(ii) <u>Compliance with the approved land use consent; and</u></li> <li>(iii) <u>Provision of infrastructure.</u></li> </ul>								
51.	14A.4.3.b	Subdivision standards - Controlled activity	Oppose	Kāinga Ora opposes the size of the shape factor within the rule. Rather, and for consistency with other relief sought in this submission, it is considered more appropriate to provide for a minimum shape factor standard of 8m x 15m. This would also be consistent with Tauranga City Council's proposed shape factor as per Plan Change 33.	<p>Amend 14A.4.3.b as follows:</p> <p>Shape factor: All lots shall be capable of accommodating a rectangle of <del>108</del>m X 15m exclusive of yard requirements.</p>								
52.	14A.4.3.c	Subdivision Standards – Discretionary activity	Oppose	<p>Kāinga Ora opposes the Discretionary Activity status of this rule and considers a Restricted Discretionary Activity status is more appropriate. The potential adverse effects of the activity are discrete and well understood. Matters of discretion can be used to set out a clear framework for the assessment of those applications which cannot meet this standard.</p> <p>Kāinga Ora seeks to increase the yield requirements to better reflect medium and high density yield volumes as per submission point 35.</p> <p>Kāinga Ora also opposes the shape factor size for the reasons outlined in the previous submission point.</p>	<ol style="list-style-type: none"> <li>Delete the Discretionary Activity status of rule 14A.4.3.c and replace with a Restricted Discretionary Activity status with an appropriate suite of matters of discretion.</li> <li>Amend the yield requirements as follows:</li> </ol> <table border="1" data-bbox="1795 1207 2626 1690"> <thead> <tr> <th>Area</th> <th>Yield Requirements</th> </tr> </thead> <tbody> <tr> <td><del>Ōmokoroa Stage 3A</del></td> <td><del>Minimum yield of 15 residential units per hectare of developable area.</del></td> </tr> <tr> <td>Ōmokoroa <u>Stage 3A</u> Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke Medium Density Residential</td> <td>Minimum yield of <del>20</del> <u>35</u> residential units per hectare of developable area</td> </tr> <tr> <td>Ōmokoroa <u>High Density Residential Stage 3C</u> Ōmokoroa Mixed Use Residential Precinct Te Puke High Density Residential</td> <td>Minimum yield of <del>50</del> <u>30</u> residential units per hectare of developable area</td> </tr> </tbody> </table>	Area	Yield Requirements	<del>Ōmokoroa Stage 3A</del>	<del>Minimum yield of 15 residential units per hectare of developable area.</del>	Ōmokoroa <u>Stage 3A</u> Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke Medium Density Residential	Minimum yield of <del>20</del> <u>35</u> residential units per hectare of developable area	Ōmokoroa <u>High Density Residential Stage 3C</u> Ōmokoroa Mixed Use Residential Precinct Te Puke High Density Residential	Minimum yield of <del>50</del> <u>30</u> residential units per hectare of developable area
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ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
					<p>3. Amend the shape factor size as follows:</p> <p>All lots shall be capable of accommodating a rectangle of <del>108</del>m X 15m exclusive of yard requirements.</p>
53.	14A.5.1	Notification - Requirements	Support in Part	<p>Kāinga Ora seeks to include reference to section 14A.4.2 in the notification section as well as section 14A.4.1 and further non notification clause where an activity for four or more dwellings which does not comply with the development performance standards except for height and building coverage.</p> <p>Amendments sought.</p>	<p>Amend standard 14A.5.1, as follows:</p> <p>Requirements</p> <p>b. Council shall not require:</p> <p>i. Public notification if the application is for the construction and use of one, two or three residential units that do not comply with one or more of the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)) <u>or the other standards in Rule 14A.4.2.</u></p> <p>ii. Public or limited notification if the application is for the construction and use of four or more residential units that comply with the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)) <u>or the other standards in Rule 14A.4.2.</u></p> <p><u>iii. Public or limited notification for the construction and use of four or more residential units that do not comply with one or more of the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)) or the other standards in Rule 14A.4.2, but complies with Rule 14A.4.1.b - height and Rule 14A.4.1.e. – building coverage.</u></p>
54.	14A.5.1.b.iv	Notification - Requirements	Oppose	<p>Kāinga Ora seeks to clarify the references in 14A.5.1.b.iv. Sub clause (iv) references 'Section 4A' and 'Rule 4A.4.7.1'. It is not clear what provisions these are referring to.</p> <p>Amendments requested.</p>	Confirm correct references and amend provision.
55.	14A.7.1	Matters of Discretion – Urban Design	Support in Part	<p>Kāinga Ora support the inclusion of matters of discretion with respect to considering urban design matters for developments of four or more residential units. However, the provisions are overly complex and lengthy, and it is considered that the matters could be refined. Therefore, Kāinga Ora seek the adoption of the matters of discretion as they relate to the development of four or more residential units on a site.</p>	<p>Delete the matters of discretion for four or more residential units on a site, comprehensive Mixed Use Developments, Retirement Villages and Rest Homes and replace with the following:</p> <ul style="list-style-type: none"> <li><u>The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;</u></li> <li><u>The development contributes to a safe and attractive public realm and streetscape;</u></li> </ul>

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
					<ul style="list-style-type: none"> <li><a href="#">The extent and effects on the three waters infrastructure, achieved by demonstrating that at the point of connection the infrastructure has the capacity to service the development; and</a></li> <li><a href="#">The degree to which the development delivers quality on-site amenity and occupant privacy that is appropriate for its scale.</a></li> </ul>
56.	14A.7.2 and 14A.7.3	RDA – Non Compliance with Height and Height in Relation to boundary	Support in Part	<p>Kāinga Ora supports the inclusion of matters that WBOPDC have restricted their assessment to, however considers that the matters listed in 14A.7.2 and 14A.7.3 are of a similar nature insomuch that these could be combined.</p> <p>Amendments sought.</p>	<p>Combine standard 14A.7.2 and 14.7.3 by deleting standard 14A.7.3 and amending standard 14.7.2, as follows:</p> <p>14A.7.2 Restricted Discretionary Activities – Non-Compliance with Building and Structure Height <a href="#">and/or Height in Relation to Boundary</a>.</p> <p>In considering an application that does not comply with Activity Performance Standard 14A.4.1 (b) Buildings and Structure Height <a href="#">and/or 14A.4.1(c) Height in Relation to Boundary</a>, Council shall consider the following:</p> <p><a href="#">...f) Overshadowing (loss of direct or indirect/ambient sunlight) on the adjoining properties and how this may adversely impact on the amenity values of these properties.</a></p>
57.	14A.7.4.b	Restricted Discretionary Activities – Non-Compliance with Setbacks	Oppose	<p>Kāinga Ora queries the inclusion of sub clause (b) regarding the <i>residential unit design enabling a visual connection between the residential unit and the road</i>. It is not clear what WBOPDC would be assessing in the context of a front yard setback non-compliance.</p> <p>Amendments sought.</p>	Delete standard 14A.7.4.b.
58.	14A.7.5	RDA – Non compliance with building coverage	Oppose	<p>Kāinga Ora opposes the inclusion of (b) which cross references to whether the proposal complies with other performance standards and if not, if compliance could be used to mitigate adverse effects of the building bulk, and (c) whether the coverage can be reduced by providing an additional storey. Kāinga Ora consider these matters do not assess the proposal at hand.</p> <p>Amendments sought.</p>	Delete standard 14A.7.5.b and 14A.7.5.c.
59.	14A.7.9	RDA – Non compliance with Landscape Area	Oppose	<p>Kāinga Ora opposes the inclusion of matter (e) with respect to potential adverse effects on stormwater infrastructure and overland flowpaths. This is more appropriately covered by the stormwater rules in Section 12.</p> <p>Amendments sought.</p>	Delete standard 14A.7.9(e).

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
60.	14A.7.10	RDA – Non compliance with residential unit yield	Support in part	<p>Kāinga Ora supports, in part, the matters of discretion listed in standard 14A.7.10, as notified. However, it is considered that these matters can be condensed to avoid repetition and to ensure that the matters are appropriate for the consideration of non-compliance with the residential unit yield (specifically whether the minimum yield target has been met or not).</p> <p>Moreover, the relief sought to standard 14A.7.10 is consequential to submission ID 35 – which sought to increase the minimum yield targets of standard 14A.4.2.a to deliver outcomes more aligned more appropriately with both MDRZ and HDRZ densities.</p>	<p>Amend standard 14A.7.10 as follows:</p> <ul style="list-style-type: none"> <li>- Delete clauses (e), (i), (j), (k), (l) and (m)</li> <li>- Retain clauses (a), (b), (c), (d), (f), (g), (h)</li> </ul>
61.	14A.7.11	RDA – Non compliance with residential unit typology	Oppose	<p>Kāinga Ora considers that matters (b) and (c) are not relevant to the rule. Rule 14A.4.2(b) sets a maximum percentage of detached residential units when there are 6 or more units proposed. The rule does not require a variety of housing typologies as per (b) and no requirement to provide a variety of unit sizes, bedroom numbers and levels/storeys as per (c). Therefore, these matters are not appropriate to include.</p> <p>Amendments requested.</p>	Delete standard 14A.7.11.b and 14A.7.11.c
62.	14A.7.12	RDA – non compliance with minimum storey requirements in the Ōmokoroa Mixed Use Residential Precinct	Oppose	<p>Kāinga Ora oppose matter (b) which references the ‘planned character of the Ōmokoroa Mixed Use Residential Precinct.’ The ‘planned character’ is generally described in Objective 8 and Policy 17 and Kāinga Ora considers matters (a), (c) and (d) of 14A.7.12 adequately cover this without requiring (b).</p> <p>Amendments sought.</p>	Delete standard 14A.7.12.b-
63.	14A.7.16	Restricted Discretionary Activities – Non-Compliance with Earthworks	Oppose	<p>Kāinga Ora opposes 14A.7.16 and in particular:</p> <p>(f) in regard to amenity values - it is not appropriate to reference established amenity values noting the character of the OTP MDRZ areas will change over time.</p> <p>(h) it is not clear how this matter would be addressed in a resource consent application. Adequate prior notice to hapū is more appropriately addressed in a condition of consent (e.g., as per existing provision 12.4.2(j)(i)).</p> <p>Kāinga Ora seeks that this provision be located within the ‘district wide’ section of the WBOPDP.</p> <p>Amendments sought.</p>	Delete standard 14A.7.16.f and 14A.7.16.h, and shift the remaining matters of discretion to ‘district wide’ section of WBOPDP

## **Appendix 2: High Density Residential Zone for Ōmokoroa and Te Puke**

The following provides proposed wording for the High Density Residential Zone, as sought from Kāinga Ora as part of the submission on Proposed Plan Change 92 in Western Bay of Plenty District Plan.

Please note that the layout of this section does not follow the layout of the existing rule framework and plan structure. It also does not incorporate all existing matters contained within that zone however is consistent with how other Councils are providing for high density residential development in accordance with the MDRS.

Kāinga Ora seeks the proposed provisions are re-structured to align with the plan structure and chapter format, along with incorporating any references to existing matters.

## **HIGH DENSITY RESIDENTIAL ZONE**

### **HRZ: PURPOSE**

The High Density Residential Zone is a high intensity residential living zone enabling greater heights and residential development. The zone is located in close proximity to the Town Centres of Te Puke and Ōmokoroa and will promote the use of active and public transport, support the vitality of these centres, and draw on the amenity of adjoining open spaces.

The purpose of the zone is to enable efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport in close proximity to these Town Centres.

This form of development will, over time, result in a change to a more intensive urban built form with a high degree of visual change. The provisions provide the framework for managing the effects of use and development and ensuring that residential amenity values and the quality of the built environment are consistent with the planned urban built form.

Buildings of at least 6 storeys are generally anticipated within the zone. The resource consent process requires development design and layout to be assessed, recognising that design is increasingly important as the scale and form of development increases. The zone sets out a clear set of development controls and matters of discretion to ensure that a reasonable level of residential amenity values is retained.

This zone also provides for a range of non-residential activities so that residents have convenient access to these activities and services while maintaining the urban residential character of these areas.

### **HRZ: OBJECTIVES**

#### **HRZ: O1**

The High Density Residential Zone provides for predominantly residential activities at a greater density and scale that enables higher-intensity residential development of at least 6 storeys.

#### **HRZ: O2 (MDRS Objective 2)**

A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

#### **HRZ: O3**

Achieve a high level of residential amenity within the zone that contributes to quality urban form outcomes, and reflects and supports the planned built form and desired compact urban settlement pattern.

**HRZ: O4 (MDRS Objective 2)**

The High Density Residential Zone provides for a variety of housing types and sizes that respond to:

- a. Housing needs and demand; and
- b. The neighbourhood's planned urban built character, including six storey buildings.

**HRZ: O5**

Development in the zone seeks to maximise efficiency of the underlying land, recognising that residential intensification provides opportunity to leverage economies of scale in the provision and maintenance of community facilities and infrastructure.

**HRZ: O6**

Non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

**HRZ: POLICIES**

**HRZ: P1 (MDRS Policy 1)**

Enable a variety of housing types and sizes to be built in the zone, including attached dwellings and multi-storey apartments of up to six-storey.

**HRZ: P2 (MDRS Policy 2)**

Apply the high density development and performance standards within the High Density Residential Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

**HRZ: P3 (MDRS Policy 3)**

Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

**HRZ: P4 (MDRS Policy 4)**

Enable housing to be designed to meet the day-to-day needs of residents.

**HRZ: P5 (MDRS Policy 5)**

Provide for residential developments not meeting permitted activity status, while encouraging high-quality developments.

**HRZ: P6**

Ensure that the bulk and scale of buildings in the zone is of a height and bulk which continues to provide reasonable daylight access and standard of privacy and minimises visual dominance effects on the site and on adjoining sites.

**HRZ : P7**

Enable residential intensification on land close to and surrounding the Town Centres of Te Puke and Ōmokoroa, and in doing so:

- (a) Recognise the social, economic, and environmental benefits arising from enabling residential activities at scale close to community facilities and the commercial activities within the Town Centre.
- (b) Recognise the economic and environmental benefits of higher intensity development that efficiently utilises existing and planned investment in transport and three waters infrastructure.
- (c) Avoid lower intensity residential development which compromises future development potential of the site.

**HRZ: P8**

Allow activities which are ancillary to residential activities, where the scale is appropriate and compatible with surrounding residential uses;

**HRZ: P9**

Provide for and manage non-residential activities to ensure that they do not detract from the intent of the zone.

**HRZ: RULES – ACTIVITY STATUS**

Rule	Use/Activity	Activity Status	
HRZ : R1	Residential activities including Papakāinga	Activity Status: Permitted  Where:  PER: 1 a. No more than six residential units occupy the site; and  PER: 2 b. Compliance with the following standards is achieved:  i. building height - ii. HIRTB; iii. infringements to rear/side yard boundary setback; iv. building coverage v. outlook space.	HRZ : R2  Activity Status: Restricted Discretionary  Where:  a. Compliance with PER1 cannot be achieved.  Matters of discretion are:  1. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood; 2. The development contributes to a safe and attractive public realm and streetscape; 3. The extent and effects on the three waters infrastructure, achieved by demonstrating that at the point of connection the infrastructure has the capacity to service the development. 4. The degree to which the development delivers quality on-site amenity and occupant privacy that is appropriate for its scale;  Where:  b. Compliance with PER2 cannot be achieved.  1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.  Notification status:  1. An application for resource consent which complies with PER1 but does

Rule	Use/Activity	Activity Status	
			<p>not comply with PER2 is precluded from being <u>publicly notified</u>.</p> <p>2. An application for resource consent made which does not comply with PER1 but complies with PER2 is precluded from being either <u>publicly</u> or <u>limited notified</u>.</p> <p>3. An application for resource consent made which does not comply with PER1 and PER2 but complies with height and building coverage is precluded from being <u>publicly notified</u>.</p>
HRZ: R3	Supported Residential care facilities	<p>Activity Status: Permitted Where the following are complied with:</p> <p>PER-1 1. Standards 1-10.</p> <p>PER-2 2. No more than 10 people, including staff and their dependents reside on site.</p> <p>PER-3 3. Staff providing supervision for managed care facilities accommodating eight or more residents shall be present on site at all times that residents are in occupation.</p> <p>PER-4 4. No part of any site or premises used as a managed care facility shall contain a secure unit.</p>	<p>HRZ : R4</p> <p>Activity Status where compliance is not achieved with PER-1-4: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. The extent and effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard.</li> <li>2. The extent to which the intensity and scale of the activity adversely impacts on the planned urban built form of nearby residential properties and the surrounding neighbourhood.</li> </ol> <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>

Rule	Use/Activity	Activity Status	
HRZ: R5	Home Based Business	Activity Status: Permitted Where the following are complied with: PER-1 <ol style="list-style-type: none"> <li>1. For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business. Home-based businesses shall:</li> <li>2. Employ no more than 2 people, one of whom must reside on the site on a permanent basis.</li> <li>3. Not exceed 30% of the total gross floor area of buildings on the site.</li> <li>4. Not generate any trips by a heavy motor vehicle.</li> <li>5. Not generate vehicle trips or pedestrian traffic between 2000 to 0800 hours.</li> <li>6. Not display any indication of the activity from outside the site including the display or storage of materials, except for</li> </ol>	HRZ: R6 Activity Status where compliance not achieved with PER-1: Discretionary

Rule	Use/Activity	Activity Status	
		<p>permitted signs.</p> <p>7. Retail - only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.</p> <p>8. Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.</p> <p>9. Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.</p> <p>10. Have only one sign with a maximum area of 0.6m<sup>2</sup>, a maximum dimension of 1m and having no part higher than 2m above the adjacent ground level. The sign must be attached to either a fence, wall or building.</p>	

Rule	Use/Activity	Activity Status	
HRZ: R7	Homestay	Activity Status: Permitted Where the following are complied with: PER-1 1. Standards 1-10.	HRZ: R8 Activity Status where compliance is not achieved with PER-1: Restricted Discretionary  Matters of discretion are restricted to: 1. The extent and effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard.  Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.
HRZ: R9	Demolition or removal of existing buildings (except scheduled heritage buildings)	Activity Status: Permitted	
HRZ: R10	Maintenance, repair and alterations and additions to existing buildings (except Scheduled heritage buildings)	Activity Status: Permitted Where the following are complied with: PER-1 1. Standards 1-10.	HRZ: R11 Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. The extent and effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard.  Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.
HRZ: R12	Childcare facility	Activity Status: Restricted Discretionary Where the following are	HRZ: R13 Activity Status where compliance not achieved with RDIS-1: Discretionary

Rule	Use/Activity	Activity Status	
		<p>complied with:            RDIS-1</p> <ol style="list-style-type: none"> <li>1. Standards 1, 2, 3, 4, 6, 7, 8, 9.</li> <li>2. The Childcare Facility shall not be part of a multiunit residential development.</li> <li>3. The activity shall be located on a front, corner or through site.</li> <li>4. The activity shall have a maximum gross floor area for all buildings of 250m<sup>2</sup>.</li> <li>5. The hours of operation are between 7.00am and 7.00pm, Monday to Friday.</li> </ol> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. The extent and effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard.</li> <li>2. The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the</li> </ol>	

Rule	Use/Activity	Activity Status	
		<p style="text-align: center;">surrounding neighbourhood.</p> <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	
HRZ: R14	Retirement village	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p> <ol style="list-style-type: none"> <li>1. Standards 1 - 10.</li> </ol> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood.</li> </ol> <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	<p>HRZ: R15</p> <p>Activity Status where compliance not achieved with RDIS-1: Discretionary</p>
HRZ: R16	Visitor accommodation	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p>	<p>HRZ: R17</p> <p>Activity Status where compliance not achieved with RDIS-1: Discretionary</p>

Rule	Use/Activity	Activity Status	
		<ol style="list-style-type: none"> <li>1. Standard 1-10.</li> <li>2. The maximum occupancy for visitor accommodation shall be 12 guests.</li> <li>3. Visitor accommodation shall not provide for the sale of liquor through an ancillary facility such as a bar or a restaurant.</li> </ol> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood.</li> </ol> <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	
HRZ: R18	Emergency service facilities	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p> <ol style="list-style-type: none"> <li>1. Standard 1, 2, 3, 4, 7, 9.</li> </ol> <p>Matters of discretion are restricted to:</p>	<p>HRZ: R19</p> <p>Activity Status where compliance not achieved with RDIS-1: Discretionary</p>

Rule	Use/Activity	Activity Status	
		<p>1. The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood.</p> <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	
HRZ: R20	Community centre, Education Facility, Healthcare Facility, Marae	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p> <ol style="list-style-type: none"> <li>1. The standards listed in Standard 1, 2, 3, 4, 7, 9.</li> <li>2. The maximum gross floor area of all buildings on a site will not exceed 250m<sup>2</sup>.</li> <li>3. The hours of operation will be restricted to 0700-2200 hours</li> <li>4. Once per calendar year a special event may operate from 0700-2200 hours</li> </ol> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. The extent to</li> </ol>	<p>HRZ: R21</p> <p>Activity Status where compliance not achieved with RDIS-1: Discretionary</p>

Rule	Use/Activity	Activity Status	
		<p>which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood.</p> <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	
HRZ: R22	Maintenance and repair of buildings and structures. and/or	Activity Status: Permitted	
HRZ: R23	Demolition or removal of buildings and structures	Activity Status: Permitted	
HRZ: R24	Addition or alteration of buildings and structures;	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <p>1. Standards 1-10.</p>	<p>HRZ: R25</p> <p>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.</li> </ol> <p>Notification status:</p> <p>An application for resource consent made in respect of rule HRZ-27 which results from non-</p>

Rule	Use/Activity	Activity Status	
			<p>compliance with Standard 1, 2, 3 or 4 is precluded from being publicly notified.</p> <p>An application for resource consent made in respect of rule HRZ-R27 which results from non-compliance with 5, 6, 7, or 8 is precluded from being either publicly or limited notified.</p>
HRZ: R26	School	Activity Status: Discretionary	
HRZ: R27	Show homes	Activity Status: Discretionary	
HRZ: R28	Office	Activity Status: Discretionary	
HRZ: R29	Retail	Activity Status: Discretionary	
HRZ: R30	Places of assembly	Activity Status: Discretionary	

**HRZ – DEVELOPMENT STANDARDS**

Standard	Activity Status where compliance not achieved
<p><b>HRZ – Standard 1</b></p> <p><b>Building height</b></p> <p>Buildings must not exceed 22 metres in height, except that 50% of a building’s roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more.</p>	<p><u>Assessment Criteria where the standard is infringed:</u></p> <ol style="list-style-type: none"> <li>Whether topographical or other site constraints make compliance with the standard impractical.</li> <li>Streetscape and visual amenity effects;</li> <li>Dominance, privacy and shading effects on adjoining sites; and</li> <li>Wind effects (where a building exceeds 25m).</li> </ol>
<p><b>HRZ – Standard 2</b></p> <p><b>Height in relation to boundary</b></p> <ol style="list-style-type: none"> <li>Buildings within 22m from the frontage must not project beyond a 60-degree recession plane measured from a point 19m vertically above ground level along the side boundaries; and</li> <li>Buildings 22m from the frontage must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side boundaries.</li> <li>Apply a 4m + 60° on boundaries at where the HRZ interfaces with a lower zone hierarchy (e.g. MRZ, Open Space etc).</li> </ol> <p>This standard does not apply to—</p> <ol style="list-style-type: none"> <li>a boundary with a road;</li> <li>existing or proposed internal boundaries within a site;</li> <li>site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</li> </ol>	<p>Activity Status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>Dominance, privacy and shading effects on adjoining sites.</li> </ol>
<p><b>HRZ – Standard 3</b></p> <p><b>Setbacks</b></p> <ol style="list-style-type: none"> <li>Front yard: 1.5m</li> <li>Side yards: 1m</li> <li>Rear yard: 1m</li> </ol>	<p>Activity Status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>Streetscape and visual amenity effects; and</li> </ol>

<p>This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</p>	<p>2. Dominance, privacy and shading effects on adjoining sites.</p>
<p><b>HRZ – Standard 4</b>  <b>Building coverage</b>          The maximum building coverage must not exceed 70% of the net site area.</p>	<p><u>Assessment Criteria where the standard is infringed:</u></p> <ol style="list-style-type: none"> <li>1. Streetscape and visual amenity effects; and</li> <li>2. Dominance effects on adjoining properties.</li> <li>3. Whether topographical or other site constraints make compliance with the standard impractical.</li> </ol>
<p><b>HRZ – Standard 5</b>  <b>Outdoor living space (per unit)</b></p> <ol style="list-style-type: none"> <li>1. Each residential unit, must be provided with either a private outdoor living space or access to a communal outdoor living space;</li> <li>2. Where private outdoor living space is provided it must be:             <ol style="list-style-type: none"> <li>a. For the exclusive use of residents;</li> <li>b. Directly accessible from a habitable room;</li> <li>c. A single contiguous space; and</li> <li>d. Of the minimum area and dimension specified in the table below; and</li> </ol> </li> <li>3. Where communal outdoor living space is provided it does not need to be in a single continuous space but it must be:             <ol style="list-style-type: none"> <li>a. Accessible from the residential units it serves;</li> <li>b. Of the minimum area and dimension specified in the table below; and</li> <li>c. Free of buildings, parking spaces, and servicing and manoeuvring areas.</li> </ol> </li> </ol>	<p><u>Assessment criteria where the standard is infringed:</u></p> <p>-</p> <p><u>The extent to which:</u></p> <ol style="list-style-type: none"> <li>1. Any proposed outdoor living space provides a good standard of amenity relative to the number of occupants the space is designed for;</li> <li>2. Other on-site factors compensate for a reduction in the size or dimension of the outdoor living space; and</li> <li>3. The availability of public open space in proximity to the site.</li> </ol>

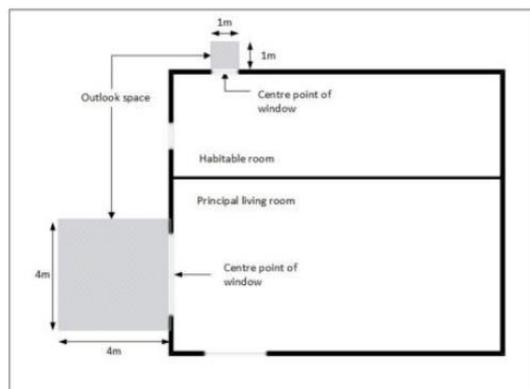
**Table 1**

Living Space Type	Minimum Area	Minimum Dimension
Private		
Studio unit and 1-bedroom unit	5m <sup>2</sup>	1.8m
2+ bedroom unit	8m <sup>2</sup>	1.8m
Communal		
For every 5 units	10m <sup>2</sup>	8m

**HRZ – Standard 6**
**Outlook Space (per unit)**

All habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width; and

1. An outlook space must be provided from habitable room windows as shown in the diagram below:



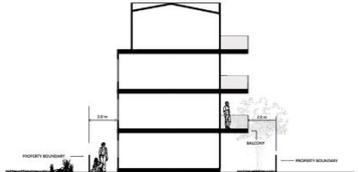
2. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
3. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
4. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.

Assessment criteria where the standard is infringed:

The extent to which:

1. Acceptable levels of natural light are provided to habitable rooms; and
2. The design of the proposed unit provides a healthy living environment.

<ol style="list-style-type: none"> <li>5. Outlook spaces may be under or over a balcony.</li> <li>6. Outlook spaces required from different rooms within the same building may overlap.</li> <li>7. Outlook spaces must—       <ol style="list-style-type: none"> <li>a. be clear and unobstructed by buildings; and</li> <li>b. not extend over an outlook space or outdoor living space required by another dwelling.</li> </ol> </li> </ol>	
<p><b>HRZ – Standard 7</b>  <b>Windows to Street</b></p> <p>Any residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.</p>	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. Streetscape and visual amenity effects; and</li> <li>2. Passive surveillance and safety.</li> </ol>
<p><b>HRZ – Standard 8</b>  <b>Landscaped area</b></p> <ol style="list-style-type: none"> <li>1. A residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.</li> <li>2. The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.</li> </ol>	<p>Assessment Criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. Streetscape and visual amenity effects; and</li> <li>2. Hard surfacing is minimised as far as practicable.</li> </ol>
<p><b>HRZ – Standard 9</b>  <b>Fences and Walls</b></p> <p>Fences, walls and retaining structures adjoining open space zones, public walkway or within 1.5 metres of the road boundary shall have a maximum cumulative height of:</p> <ol style="list-style-type: none"> <li>a. 1.2 metres; or</li> </ol>	<p>Assessment Criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. Streetscape and visual amenity effects;</li> <li>2. Passive surveillance to the street, public open space or public walkway; and</li> </ol>

<p>b. 1.8 metres for no more than 50 percent of the site frontage and 1.2 metres for the remainder; or</p> <p>c. 1.8 metres if the fence is at least 50 percent visually permeable as viewed perpendicular to the boundary.</p> <p>Any fence or standalone wall, retaining wall or combination of these structures, must not exceed:</p> <p>d. A maximum height of 2m above ground level where within 1m of any side or rear boundary.</p>	
<p><b>HRZ – Standard 10</b> <b>Minimum privacy separation to a boundary</b></p> <p>Any outdoor living space or habitable room window above ground floor level must be at least 2m from any boundary except a road or a railway boundary, as shown in the diagram below.</p>  	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. Privacy effects on adjoining sites.</li> </ol>

## **Appendix 3: Maps**

The following maps set out the amendments sought from Kāinga Ora to Plan Change 92 of the Western Bay of Plenty District Plan.